

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern California Gas Company (U904G) For Approval of The Branch Office Optimization Process.	Application 13-09-010 (Filed September 16, 2013)
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**DECISION AWARDING COMPENSATION TO
THE CENTER FOR ACCESSIBLE TECHNOLOGY
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 16-06-046**

Intervenor: Center for Accessible Technology (CforAT)	For contribution to Decision (D.) 16-06-046
Claimed: \$54,196.75	Awarded: \$54,196.75
Assigned Commissioner: Carla J. Peterman	Assigned ALJ: W. Anthony Colbert

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	This decision grants the request of Southern California Gas Company to close certain branch offices with appropriate notice and safeguards, and denies the request to close other offices. The utility's initial request to create an informal process for closing additional offices in the future was withdrawn while the proceeding was pending.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	12/3/13	Verified.
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	12/26/13	Verified.
4. Was the NOI timely filed?	Yes, Center for Accessible Technology (CforAT) timely filed the notice	

		of intent to claim intervenor compensation.
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	A.15-07-009	Verified.
6. Date of ALJ ruling:	11/20/15	Verified.
7. Based on another CPUC determination (specify):	N/A	
8. Has the Intervenor demonstrated customer or customer-related status?		Yes, CforAT demonstrated appropriate status.
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.15-07-009	Verified.
10. Date of ALJ ruling:	11/20/15	Verified.
11. Based on another CPUC determination (specify):	N/A	
12. Has the Intervenor demonstrated significant financial hardship?		Yes, CforAT demonstrated significant financial hardship.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.16-06-046	Verified.
14. Date of issuance of Final Order or Decision:	6/27/16	Verified.
15. File date of compensation request:	August 26, 2016	Verified.
16. Was the request for compensation timely?		Yes, CforAT timely filed the request for intervenor compensation.

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a), and D.98-04-059).

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
1. CforAT, in conjunction with other intervenors,	As noted by CforAT and TURN, "SoCalGas originally sought permission to request	Verified.

opposed the use of an Advice Letter process for future utility requests to close local offices. This request, which was included in the initial application, was withdrawn while the proceeding was pending.	future additional office closures via a Tier 2 Advice Letter (Ex. SCG-01 (Baldwin) at p. 42) but modified that proposal in response to unanimous opposition. Ex. SCG-02 (Baldwin) at p. 19.” CforAT/TURN Opening Brief at p. 8 and footnote 27. <i>See also</i> CforAT/Greenlining Protest at p. 3. The Commission recognized this development in the D.16-06-046 (the Final Decision) at p. 20. The Commission also specified that any future request to close additional branch offices must be submitted via an application which must include detailed information on impacts to low income, elderly and disabled customers. Final Decision at pp. 45-46.	
2. CforAT, in conjunction with other intervenors, argued that the utility has the burden of demonstrating that its proposal to close local offices is consistent with all legal obligations, including the standards set by the Commission in past proceedings considering office closures.	<i>See, e.g.</i> CforAT/TURN Opening Brief at pp. 4-6. The Commission agreed. Final Decision at pp. 26-7; <i>see also</i> Final Decision at p. 37 (noting that SoCalGas takes issue with the fact that intervenors did not proposed alternatives to the utility’s proposal and reiterating that “the burden is not on TURN/CforAT or UWUA to show that any branch offices should or should not be closed. That remains SoCalGas’ burden.”)	Verified.
3. CforAT, in conjunction with TURN, highlighted the fact that SoCalGas did not investigate why customers use branch offices as opposed to other customer service channels. After this was highlighted, SoCalGas conducted a survey of customers at the offices proposed for closure.	CforAT/TURN Opening Brief at pp. 8-11. The Commission recognized the importance of such a study, <i>see</i> Final Decision at p. 33, and the Final Decision requires greater focus on the customer experience to be incorporated into any future application to close additional offices (see item 12, below).	Verified.
4. CforAT opposed SoCalGas’s argument in support of closing local offices because it would avoid the cost of ADA upgrades.	Prepared Testimony of Dmitri Belser (Belser Testimony, which was accepted into the record as Ex. CforAT-02) at §III (noting, among other reasons to reject the utility’s argument, that SoCalGas has previously	Verified.

	received authorization to pay for ADA barrier removal at all branch offices) and Belser Reply Testimony at pp. 2-4. The Commission agreed. Final Decision at p. 54, FOF 4.	
5. CforAT worked to ensure that third-party payment locations that might serve customers who use local offices proposed for closure are accessible to customers with disabilities.	Prepared Reply Testimony of Dmitri Belser (Belser Reply Testimony, accepted into the record as Ex. CfoAT-01) at pp. 5- 7. The Commission affirmed the importance of this requirement. Final Decision at pp. 48-49 (requiring ADA audits for APLs supporting any branch office being closed, to be conducted in addition to comparable surveys conducted in accordance with agreements made in conjunction with the utility's GRC).	Verified.
6. CforAT and other intervenors worked to ensure that customers of local offices that the utility proposes to close receive timely and effective notice.	<p>CforAT argued any form of notice must be provided in a format that is accessible and effective for customers with disabilities. Belser Testimony at §II.</p> <p>SoCalGas modified and improved its notice proposal while the proceeding was pending. CforAT and TURN described the evolution of the notice process in our opening brief, specifically including CforAT's proposals to improve the accessibility of any notices. CforAT/TURN Opening Brief at pp. 38-40.</p> <p>The Commission approved the improved notice procedures that were developed while the proceeding was pending. Final Decision at p. 48.</p>	Verified.
7. CforAT, in conjunction with TURN, argued that, to the extent the Commission authorized closure of any offices, ratepayers should receive the benefits of any cost savings that result.	CforAT/TURN Opening Brief at pp. 41-43. The Commission agreed. Final Decision at p. 57, Ordering Paragraph 4.	Verified.

<p>8. CforAT, in conjunction with TURN, successfully argued that the Local Office in San Luis Obispo should not be closed. The reasons to oppose closure include its failure to meet the utility's own criteria for closure, including the lack of accessible APLs in the vicinity.</p>	<p><i>See e.g.</i> Belser Reply Testimony at pp. 6-7, CforAT/TURN Opening Brief at pp. 27-31. The Commission agreed. Final Decision at pp. 42-43.</p>	<p>Verified.</p>
<p>9. CforAT, in conjunction with TURN, successfully argued that the Local Office in Santa Barbara should not be closed because alternative locations are not readily accessible and service order numbers at this location rose after 2005.</p>	<p>See CforAT/TURN Opening Brief at pp. 31-32. The Commission agreed. Final Decision at pp. 43-44.</p>	<p>Verified.</p>
<p>10. CforAT, in conjunction with TURN, addressed the need for the Palm Springs Office, in particular, to remain open while it addresses ongoing issues regarding FACTA compliance.</p>	<p><i>See, e.g.</i> CforAT/TURN Opening Brief at pp. 31-34; CforAT/TURN Comments on Supplemental Testimony, filed on March 4, 2016 at pp. 3-7.</p> <p>The Commission agreed that SoCalGas has not yet demonstrated that it can effectively address FACTA compliance issues in the Palm Springs area if the local office is permitted to close. Final Decision at pp. 41-42 and 50-53 (including discussion of supplemental testimony and CforAT/TURN response).</p>	<p>Verified.</p>
<p>11. While the final decision allows the remaining identified local offices to close over the objection of CforAT (and other intervenors), CforAT's participation enhanced the record and ensured that the utility provided sufficient information in support of its proposal to allow the Commission to make a</p>	<p>Questions raised by CforAT and TURN resulted in greater information being put before the Commission for consideration. For example, SoCalGas provided estimates on where transactions that currently take place in local offices would migrate following concerns raised by CforAT and TURN as to whether nearby APLs could absorb additional transactions. <i>See</i> Final Decision at pp. 34-35. Also, as noted above, concerns from CforAT and TURN led SoCalGas to conduct a survey of customers</p>	<p>Verified.</p>

<p>considered decision more effectively than if CforAT had not participated.</p>	<p>who currently use the branch offices proposed for closure. Through these and other efforts, CforAT's work enhanced the record, assisting the Commission in evaluating even those offices for which it did not adopt CforAT's final recommendation with regard to closure.</p> <p>Additionally, the Commission did agree that some branch offices must remain open, and noted that "neither the transaction data nor the Branch Office Survey indicate with any degree of reliability the reason [certain] customers prefer the branch offices. . . Without more customer-specific data, we are reluctant to permit SoCalGas to close all of the branch offices requested." Final Decision at pp. 39-40. This is consistent with the argument made by CforAT and TURN.</p> <p>It is well established that an intervenor may be awarded compensation, even if that party's contentions are not adopted, if that party enriched the record and allowed the Commission to be more effective in making its decisions. This is consistent with the language of the intervenor compensation statute, which places the determination of whether an intervenor made a "substantial contribution" in the judgment of the Commission. Section 1802(i).</p> <p>The Commission has regularly found a substantial contribution for intervenor compensation purposes even where the intervenor's recommended outcome did not prevail on any issue addressed in the Commission's decision. Specifically, the Commission has recognized that it "may benefit from an intervenor's participation even where the Commission did not adopt any of the intervenor's positions or recommendations." D.08-04-004. Here, the fact that the Commission did not adopt CforAT's recommendations with regard to all the local offices under consideration</p>	
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	should not prevent an award of full compensation.	
12. While the final decision does not adopt all of CforAT's recommendations (proposed in conjunction with TURN) with regard to offices under review in this application, it appropriately adopts new standards going forward for evidence that must be provided in support of any future application to close additional offices, including information collected directly from customers who use branch offices on how they travel, and a direct screen for impacts on elderly and disabled customers, instead of using income levels as a proxy for age and/or disability.	See CforAT/TURN Opening Brief at pp. 43-45 (setting out proposals) and Final Decision at pp. 45-46.	Verified.

B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹	Yes	Verified.
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified.
c. If so, provide name of other parties: TURN, The Greenlining Institute, Utility Workers Union of America (UWUA).		Agreed.
d. Intervenor's claim of non-duplication: CforAT's efforts in this proceeding focused on the concerns of our constituency of SoCalGas customers with disabilities, many of whom are low-income. In addition to having needs consistent with those of other		Agreed, CforAT coordinated with other to avoid duplicative

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

<p>low-income communities, utility customers with disabilities need effective communication, including use of accessible formats as appropriate, and need to have confidence that any physical locations where they interact with their utility meet accessibility standards. No other party addressed issues of accessible communication. To the extent that other parties touched on physical accessibility concerns, CforAT participated in discussions and was accepted as the most knowledgeable party on disability issues.</p> <p>This includes addressing accessibility concerns raised by UWUA. Generally, CforAT's efforts in this proceeding corresponded with those of UWUA, though the basis for the parties' similar goals were not always the same. When UWUA raised concerns about accessibility, CforAT coordinated with UWUA to clarify issues about physical accessibility of certain facilities. The parties also coordinated during various efforts at settlement and on other matters to ensure that our positions and arguments were complementary rather than duplicative.</p> <p>More broadly, CforAT coordinated closely with other intervenors representing consumers, particularly where the concerns of our constituencies overlapped. This includes filing a joint protest with the Greenlining Institute, and multiple joint filings with TURN. To the extent that our constituency had unique needs, CforAT took the lead to address them. Where various constituencies had overlapping interests, CforAT and the other intervenors worked to assign responsibility and coordinate efforts to avoid duplication.</p> <p>Overall, CforAT's efforts to work with other parties as applicable avoided duplication; our work was either developed jointly with other parties or developed in a manner that ensured the work was complementary with that of other parties.</p>	efforts.
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PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§ 1801 and § 1806):**

<p>a. Intervenor's claim of cost reasonableness:</p> <p>While it is difficult to assign a dollar value to the benefits provided to customers through CforAT's participation in this proceeding, there can be no doubt that benefits were provided. For those customers with disabilities that rely on the local offices that will remain open, they will be able to use the method of their choice to interact with their utility. For others, they will be assured that the remaining options for interacting with their utility are accessible (including accessible physical facilities as well as accessible communications). All customers, including but not limited to CforAT's constituency, will benefit from clarification of the process that must be used if the utility seeks to close additional offices in the future, particularly to the extent that such a process must include direct consultation with customers</p>	<p style="text-align: center;">CPUC Discussion</p> <hr/> <p>Verified.</p>
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<p>with disabilities who use such offices. While these benefits are not monetary, the value to vulnerable customers is considerable, and exceeds the reasonable cost of CforAT's participation in this proceeding.</p>	
<p>b. Reasonableness of hours claimed:</p> <p>In our NOI, CforAT estimated that we could claim 100 hours of work in this proceeding; our actual claim seeks compensation for 112.4 hours of work by counsel, plus a very small amount of expert time (4.5 hours). As described below, the time spent addressed the anticipated issues and resulted in beneficial outcomes for our constituency. Time was spent appropriately on issues and activities within the scope and procedural structure of the proceeding. The total number of hours expended was reasonable for a proceeding that included presentation of testimony, an evidentiary hearing, full briefing, comments on a proposed decision, a round of supplemental testimony and responses, and then a further proposed decision. CforAT's work in the proceeding was efficient and non-duplicative, as described above.</p>	<p>Verified.</p>
<p>c. Allocation of hours by issue:</p> <p>CforAT allocated time spent by counsel among various issues as described below:</p> <p>Accessibility: 12 % (14.0 hours of 112.4 total)</p> <p>The issue area designated "Accessibility" includes time spent on issues of direct concern to customers with disabilities, including accessible notice requirements, accessible APLs, and ADA requirements for local offices that are not closed. In addition to counsel time, all time spent by CforAT's expert, Dmitri Belser, can be allocated as "Accessibility"</p> <p>Customer Impact: 20% (22.5 hours of 112.4 total)</p> <p>The issue area designated "Customer Impact" includes issues relevant to all customers who use local offices, including but not limited to customers with disabilities. For example, this includes time spent addressing alternatives to local offices, travel times, FACTA issues, customer notice, and the customer survey. It also includes "process" issues such as the need for studies and proposals for future applications to close additional offices.</p> <p>General Participation: 8% (8.9 hours of 112.4 total)</p> <p>The issue area designated "General Participation" includes time spent on procedural matters (such as attending the PHC) and time spent reviewing material filed by other parties.</p>	<p>Verified.</p>

Settlement: 7% (7.5 hours of 112.4 total)

The issue area designated “Settlement” includes time spent at several points in the proceeding when the parties sought to evaluate whether settlement might be possible. Although no settlement was reached, it was appropriate for CforAT to explore the possibility of settlement, given the fact that the Commission favors settlement when possible. The fact that no settlement was reached should not prevent an award of compensation for this time.

Hearing/Briefing: 49% (55.1 hours of 112.4 total)

The issue area designated “Hearing/Briefing” includes time spent preparing for and attending hearing, as well as time spent on briefing. Hearing preparation includes some procedural matters such as scheduling and preparing estimates for cross examination; in this proceeding it also includes additional time required to address the inclusion of CforAT’s expert testimony in the record. This category also includes all time spent at evidentiary hearings and in preparing briefs. Substantively, CforAT continued to focus on issues related to accessibility and customer impact throughout hearing and briefing, but it is not possible to sort individual time entries more distinctly.

PD: 4% (4.4 hours of 112 total)

The issue area designated “PD” includes time spent responding to the initial proposed decision (which was withdrawn) and the subsequent proposed decision. Again, CforAT substantively focused on issues of accessibility and customer impact in addressing the PD (and work specifically on the FACTA issue is identified as “customer impact”), but it is not possible to sort individual time entries more distinctly.

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hour s	Rate \$	Basis for Rate*	Total \$	Hour s	Rate \$	Total \$
Melissa W. Kasnitz	2013	16.7	\$440	D.13-11-007	\$7,348.00	16.70	440.00	7,348.00
Melissa W. Kasnitz	2014	81.4	\$450	D.15-01-047	\$36,630.00	81.40	450.00	36,630.00

Melissa W. Kasnitz	2015	3.7	\$450	D.14-12-046	\$1,665.00	3.70	450.00	1,665.00
Melissa W. Kasnitz	2016	10.6	\$455	Res.ALJ-329, issued on 4/5/16, applying 1.28% COLA to 2015 rate	\$4,823.00	10.60	455.00	4,823.00
Dmitri Belser	2014	4.5	\$235	D.16-03-025	\$1,057.50	4.50	235.00	1,057.50
Subtotal: \$ 51,523.50						Subtotal: \$ 51,523.50		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hour s	Rate	Total \$
Melissa W. Kasnitz	2013	1.5	\$220	½ standard rate	\$330	1.50	220.00	330.00
Melissa W. Kasnitz	2016	10.3	\$227.50	½ standard rate	\$2,343.25	10.30	227.50	2,343.35
Subtotal: \$2,673.25						Subtotal: \$2,673.25		
TOTAL REQUEST: \$54,196.75						TOTAL AWARD: \$54,196.75		
<p>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate</p>								

ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR ²	Member Number	Actions Affecting Eligibility (Yes/No?)
Melissa W. Kasnitz	December, 1992	162679	No, but inactive from 1/1/1993 until 1/25/1995 and from 1/1/1996 until 2/19/1997.

C. PART IV: OPPOSITIONS AND COMMENTS

**Within 30 days after service of this Claim, Commission Staff
or any other party may file a response to the Claim (*see* § 1804(c))**

A. Opposition: Did any party oppose the Claim?	No.
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	Yes.

FINDINGS OF FACT

- Intervenor has made a substantial contribution to D.16-06-046.
- The requested hourly rates for Intervenor's representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
- The claimed costs and expenses are reasonable and commensurate with the work performed.
- The total of reasonable compensation is \$54,196.75.

CONCLUSION OF LAW

- The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

- Intervenor shall be awarded \$54,196.75.

² This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

2. Within 30 days of the effective date of this decision, Southern California Gas Company shall pay Center for Accessible Technology the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning November 9, 2015, the 75th day after the filing of Intervenor's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1606046		
Proceeding(s):	A1309010		
Author:	ALJ Colbert		
Payer(s):	Southern California Gas Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Center for Accessible Technology (CforAT)	August 26, 2016	\$54,196.75	\$54,196.75	N/A	N/A

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Melissa	Kasnitz	Attorney	CforAT	\$440	2013	\$440
Melissa	Kasnitz	Attorney	CforAT	\$450	2014	\$450
Melissa	Kasnitz	Attorney	CforAT	\$450	2015	\$450
Melissa	Kasnitz	Attorney	CforAT	\$455	2016	\$455
Dmitri	Belser	Expert	CforAT	\$235	2014	\$235